


Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)  
Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 32405-199591	
	Application Number 10/731,113-Conf. #4513	Filed December 10, 2003	
	First Named Inventor Michael Krieger		
	Art Unit 2875	Examiner I. Negron	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input type="checkbox"/> attorney or agent of record. Registration number _____</p> <p><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. <u>42,709</u></p> <p> Signature Jeffri A. Kaminski Typed or printed name (202) 344-4000 Telephone number July 17, 2006 Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

#768842



Docket No.: 32405-199591  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Michael KRIEGER

Application No.: 10/731,113

Art Unit: 2875

Filed: December 10, 2003

Examiner: I. Negron

For: LANTERN WITH INTERNAL CONVERTER  
CIRCUIT

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

MS AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

**INTRODUCTORY COMMENTS**

In response to the Office Action dated March 17, 2006, and in conjunction with the concurrently filed Notice of Appeal, please consider the following remarks for the above-identified U.S. patent application:

Claims 14, 16-22, 25 and 27 are currently pending.

Claims 25 and 27 have been rejected under 35 U.S.C. 102(b) as being anticipated by Werner et al. Claims 14 and 16-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Werner.

Claims 20-22 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Werner in view of Zeller. Claims 28 and 29 have been rejected under 35 U.S.C. 103(a) as being

unpatentable over Werner, claims 30 and 33-36 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Werner in view of Zeller. Claims 31 and 32 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Werner in view of Zeller and further in view of Yuen.

Regarding the rejection of independent claims 14 and 25, Applicant refers to the amendment of June 8, 2006, pages 7-9 and the arguments set forth therein.

Additionally, regarding the rejection of claims 18 and 19 and 27-29, the Examiner has failed to provide the motivation to modify the references to render these claims obvious.

The aforementioned dependent claims recite that the second housing satisfied various UL standards. The Office Action asserts in Section 10, that it would have been obvious to construct the second housing the satisfy the UL requires since satisfying the operational and/or regulatory requirements of a particular application would have been obvious to one of ordinary skill in the art. However, no reference is provided to any evidence of why one of ordinary skill in the art would select the second housing, instead of the first housing, to comply with the UL requirements.

As is recited in the pending claims, the second housing is substantially enclosed by the first housing. The first housing may form the outer housing of the lantern. If anything, one of ordinary skill in the art would likely consider having the first housing comply with the regulatory requirements, not the second housing. This is especially true as the alleged second housing of Werner is the combined packaging for the individual circuit components. One would have to combine all the individual circuit component packaging, which is arranged in the first housing, then have the combined packaging rated. There is no teaching, suggestion or motivation in the prior art why one of ordinary skill in the art would modify the cited references to specifically select the second, inner housing to comply with the UL requirements. The claimed invention provides numerous advantages over the cited art, for example, as recited at pages 7-8 of the present application. For example, including a wall cube within the first housing allows the lantern to meet applicable standards without the need for the entire lantern housing to be rated.

In view of the above, it is clear that the cited references do not anticipate or render the claimed invention obvious. Therefore, the withdrawal of the rejections is respectfully requested and early issuance of a Notice of Allowance is respectfully solicited.

If the Examiner is of the opinion that the prosecution of this application would be advanced by a personal interview, the Examiner is invited to telephone undersigned counsel to arrange for such an interview.

The Commissioner is authorized to charge any fee necessitated by this Amendment to our Deposit Account No. 22-0261.

Dated: 7/17/06

Respectfully submitted,

By   
Jeffrey A. Kaminski

Registration No.: 42,709  
VENABLE LLP  
P.O. Box 34385  
Washington, DC 20043-9998  
(202) 344-4000  
(202) 344-8300 (Fax)  
Attorney For Applicant